IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 9017 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE JAYANT PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

GIRISHBHAI PANACHAND SANGHAVI

Versus

STATE OF GUJARAT

Appearance:

1. Criminal Misc.Application No. 9017 of 2003

MR YOGESH S LAKHANI for Petitioner No. 1

MR KOGJE, Ld. APP for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE JAYANT PATEL

Date of decision: 11/11/2003

ORAL JUDGEMENT

Rule. Mr.Kogje, learned APP waives service of

rule on behalf of the respondent State.

2. Heard learned Advocate, Mr.Y.S.Lakhani for the petitioners and Mr.Kogje, learned APP for the respondent State.

3. Considered the submission of the parties and perused the materials on record.

4. In the facts and circumstances of the case and considering the fact that the civil suit is pending and no prohibitory orders are passed by the Civil Court, the application is required to be allowed. The parties do not press for a reasoned order.

5. In the event of the arrest of the petitioners in Criminal Enquiry Case No.409 of 2003, they shall be released on bail in respect of offences alleged against them in this application on executing a bond of Rs.25,000/= (Rupees twenty five thousand only) each with one surety each of the like amount, by the concerned Police Officer and on conditions that they shall;

a. remain present before the trial Court regularly as and when directed on dates fixed;

b. shall report at City "A" Division Police Station, Rajkot on or before 17-11-2003;

c. make themselves available for interrogation by a Police Officer whenever and wherever required;

d. not directly or indirectly make any inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade him from disclosing such facts to the Court or to any Police Officer;

e. not obstruct or hamper the police investigation and not play mischief with the evidence collected or yet to be collected by the police;

f. at the time of execution of bond furnish the address to the Investigating Officer and the Courts concerned, and shall not change their residence till the final disposal of the case or till further orders.

g. not leave India without the permission of the Court and if having passport, shall deposit the same before the Trial Court within a week.

5. It would be open to the investigating officer to file an application or remand if he considers it proper and the learned Magistrate would decide it on merits.

6. This order will hold good if the petitioners are arrested at any time within 90 days from today. The order for release on bail will remain operative only for a period of ten days from the date of their arrest. Thereafter it will be open to the petitioners to make a fresh application for being enlarged on bail in usual course which when it comes before the Competent Court will be disposed of in accordance with law, having regard to all the attendant circumstances and the materials available at the relevant time uninfluenced by the fact that Anticipatory Bail was granted by this Court.

7. Rule is made absolute. Direct service is permitted.

Dt.: 11-11-2003 (Jayant Patel, J.)

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